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Attorneys for Plaintiff
NORTHWESTERN MUTUAL LIFE INSURANCE CO.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTHWESTERN MUTUAL LIFE
INSURANCE CO.,

Plaintiff,

v.

J.C. PENNEY COMPANY, INC., et al.,

Defendant.

No. 05-00831 RS

**STIPULATION AND ORDER FOR
DISMISSAL OF NORTHWESTERN
MUTUAL LIFE INSURANCE CO.
WITH PREJUDICE, EACH PARTY
TO BEAR THEIR OWN COSTS**

IT IS HEREBY STIPULATED by and between Plaintiff NORTHWESTERN MUTUAL
LIFE INSURANCE CO. and Defendant J.C. PENNEY COMPANY, INC., by and through their
designated counsel, that the above-captioned action be and hereby is dismissed with prejudice as to
Defendant J.C. PENNEY COMPANY, INC. pursuant to Federal Rule of Civil Procedure 41(a)(1).
Each party agrees to bear their own costs.

DATED: December 1, 2005

LOMBARDI, LOPER & CONANT, LLP

By: 

AN H. NGUYEN

DATED: December 5, 2005

MANNING & MARDER

By: 

LISA A. VILLASEÑOR

ORDER

IT IS SO ORDERED

DATED: 12/6, 2005

/s/ Richard Seeborg

United States District Court Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 625 Market Street, 4th Floor, San Francisco, California 94105.

On December 6, 2005, I served the document described as **STIPULATION AND ORDER FOR DISMISSAL OF NORTHWESTERN MUTUAL LIFE INSURANCE CO. WITH PREJUDICE, EACH PARTY TO BEAR THEIR OWN COSTS** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

An H. Nguyen, Esq.
Lombardi, Loper & Conant, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541
Phone: (510) 433-2600
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Attorneys for Plaintiff, Northwestern Mutual Insurance Company

☒ **(BY MAIL)** I caused such envelope to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

I placed such envelope with postage thereon prepaid in the United States mail at San Francisco, California.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(BY OVERNIGHT COURIER):** I placed the above-referenced document(s) in an envelope for collection and delivery on this date in accordance with standard _____ overnight delivery procedures.

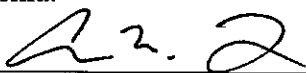
☒ **(BY FACSIMILE)** I telecopied such document to the offices of the addressee at the following fax number: (510) 433-2699.

☐ **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee.

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 6, 2005 at San Francisco, California.



Carlos Rios